

# Thoughts on Public-Law Restrictions in Austria

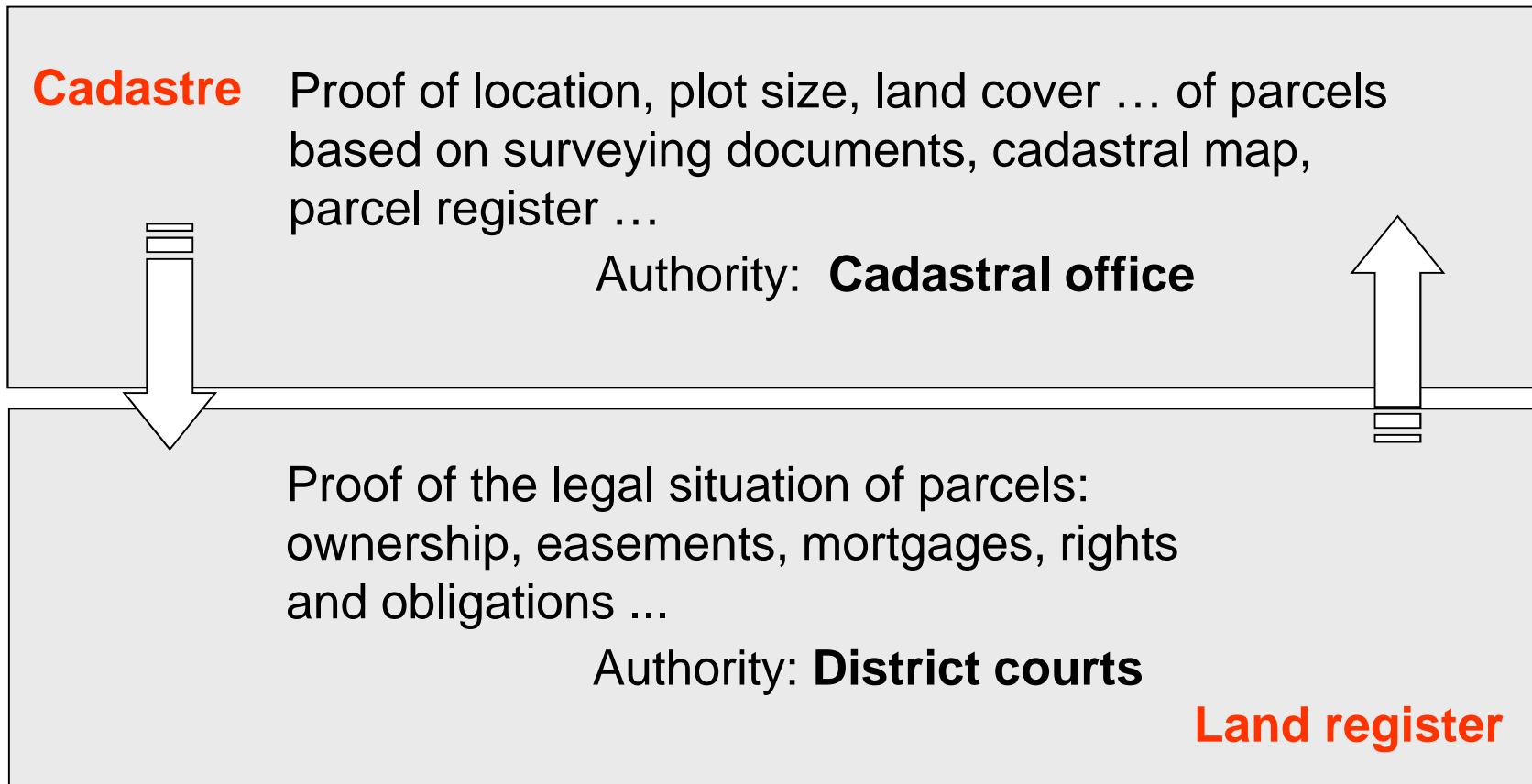
**EuroGeographics Workshop -  
“Documentation of Public-Law Restrictions”**

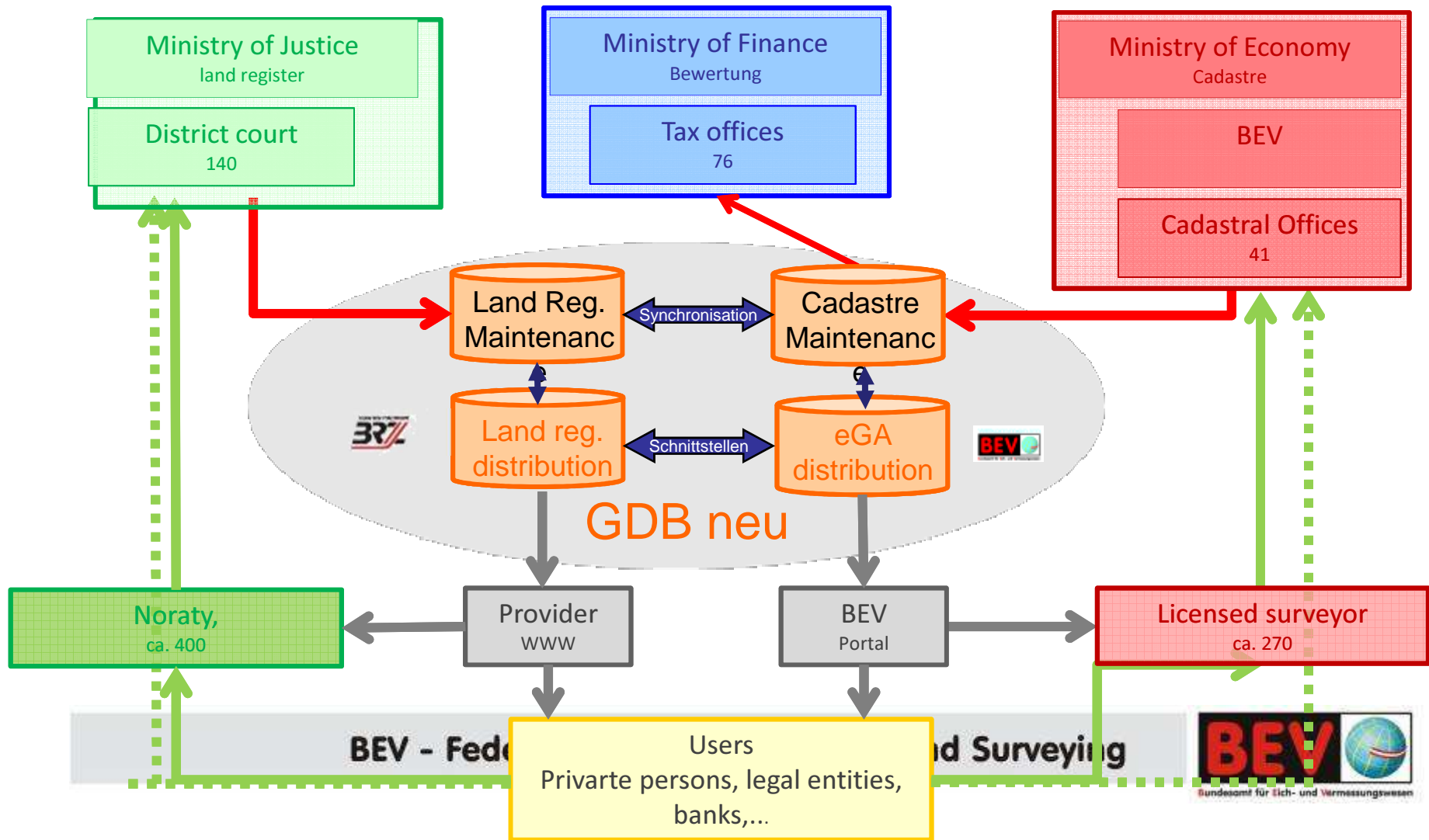
Brussels, 11-12 November 2015

**BEV - Federal Office of Metrology and Surveying**



# Cadastral and Land Register





# Cadastre: based on private law

## Kataster auf Grundlage des „Privatrechts“

Grenzdefinition  
durch  
Übereinkunft

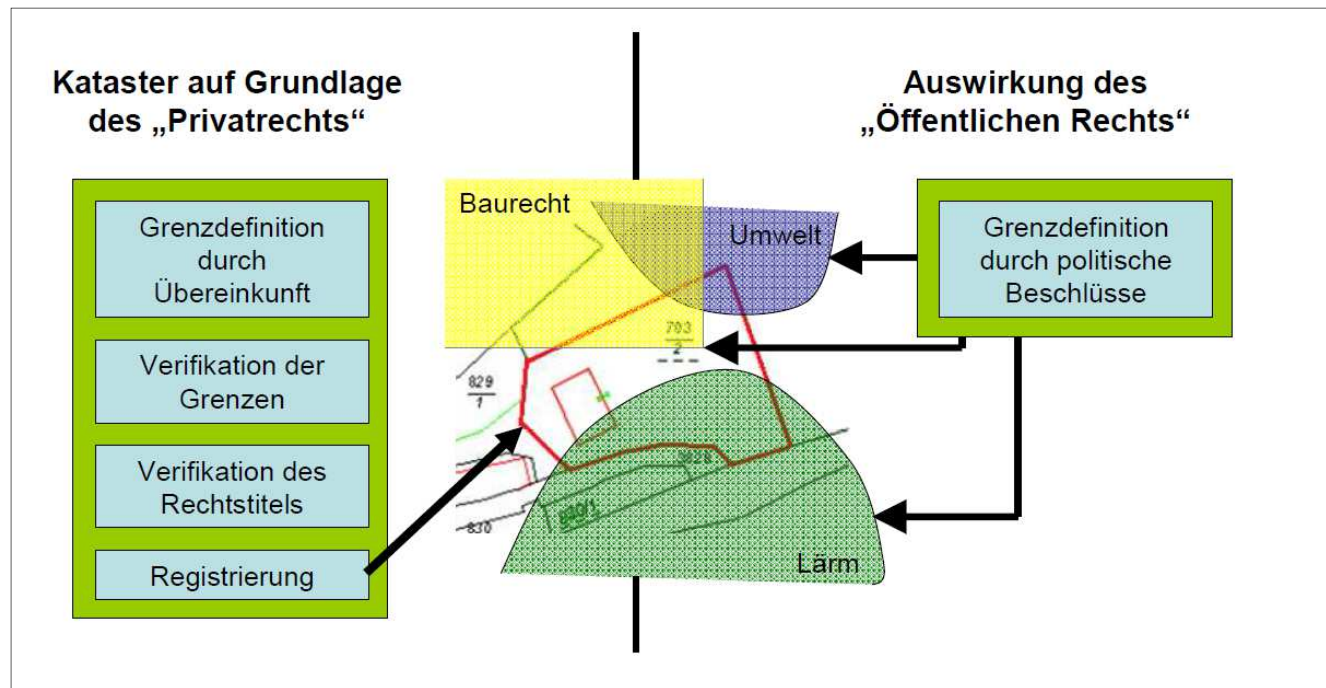
Verifikation der  
Grenzen

Verifikation des  
Rechtstitels

Registrierung



# Impact of public law



## Status quo in Austria

- Cadastre and LR as main registers
  - Public rights and restrictions ( PRR) existing in different sources
  - PRR only in land register (Grundbuch) and in zoning plans
    - Legally valid, but not “visible”
    - not documented in Cadastre
  - Break of the principal of registration!
-

# Examples: contaminated sites



**Altlasten**

- Altlast (Priorität 1)
- Altlast (Priorität 2)
- Altlast (Priorität 3)
- Altlast (ohne Priorität)
- Alt-saniert/gesichert
- Alt-saniert/saniert

 Satelliten-, Luftbild

Abbildung 5-7: GIS des BMLFUW mit (grundstücksbezogenen), Informations zugehöriger Legende (links), Quelle:

Altlasten				
V2ID	Fläche	Bezeichnung	Art	St
1682	179790	Tuttendorfer Breite	Altstandort	Alt



Abbildung 5-9: Darstellung der Grundstücksgrenzen desselben Ausschnitts des Landschaftsschutzgebiets „Thayatal“ (www.noe.gv.at), © Land Niederösterreich, NÖ Atlas.

## Discussion

- Implementation only possible in a joint effort of Cadastre (BEV) and LR (BMJ)
  - Good cooperation existing, but...
    - Missing legal framework
    - Lot of resources (personnel and budget) needed (from C + LR)
    - Huge amount of laws and regulations
    - Not possible (in a reasonable timeframe) to start retroactively > To Only forward looking approach makes sense
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## Possible way of implementation

- Analyse existing law and regulations
  - Define criteria and conditions
  - Importance of implementation, but step by step approach
    - Legal
    - Technical
    - Administrative challenges (different organizations)
  - Look to best practice solutions (e.g. Swiss)
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## Options for implementations in AT

- Based on the model of Kaufmann und Steudler (1998) in „Cadaastre 2014“
  - Cadaastre as platform
  - Show public rights and restrictions (PRR) in the cadaastre as a system of different layers
    - Spatial objects of PRR
  - Implement as a public register
  - Based on law
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## Purpose of PRR- cadastre

- Access to authentic /legal information for anyone
  - Different sources of information
  - Transparent system to be used by any person
  - Principal of publicity: access to information to be used
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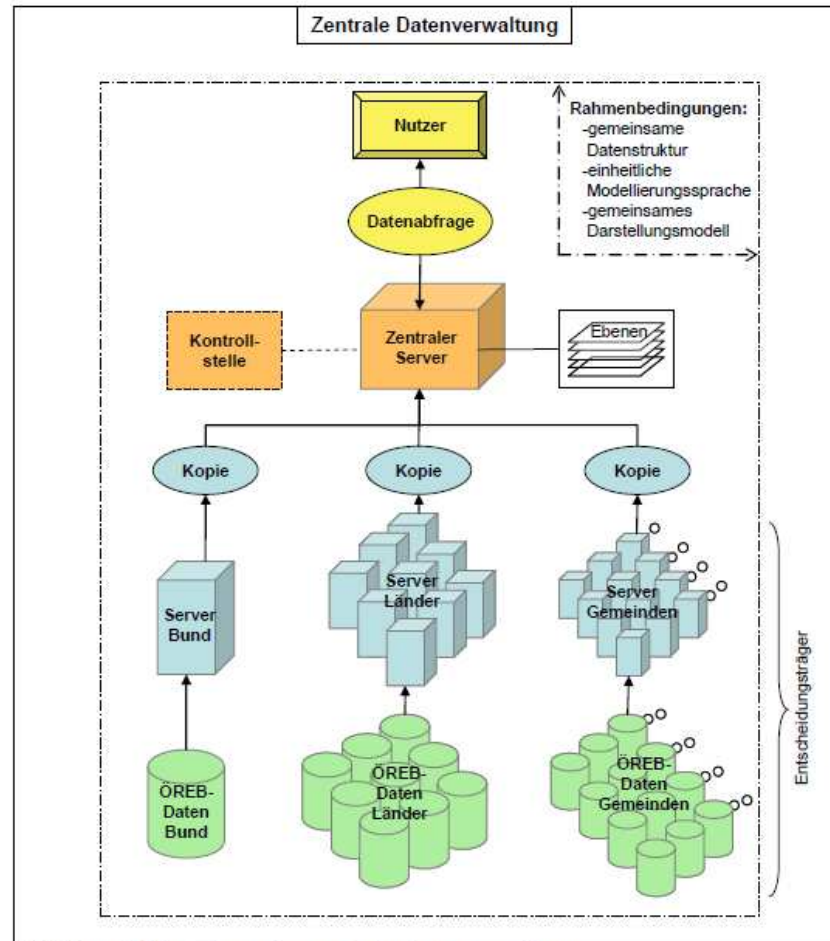


Abbildung 5-11: Schema der zentralen Datenverwaltung.

# Summary

- Implementation of PRR- Cadastre would be important/necessary and possible- but complex
  - Joint efforts of BEV and BMJ (Ministry of Justice)
  - a complete registration of all PRR is questionable
  - there is a need and right to comprehensive information for the public (transparency!)
  - huge benefit seen for real estate business and all users
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# Thank you for your attention!



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